

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02527-APM

BESSON v. UNITED STATES DEPARTMENT OF
 COMMERCE

Assigned to: Judge Amit P. Mehta
 Cause: 05:552 Freedom of Information Act

Date Filed: 10/22/2018

Jury Demand: None

Nature of Suit: 895 Freedom of
 Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

DAVID H. BESSON

represented by **DAVID H. BESSON**
 3701 Overland Avenue
 Apartment 246
 Los Angeles, CA 90034
 (703) 203-0444
 Email: dhbesson@gmail.com
 PRO SE

V.

Defendant

**UNITED STATES DEPARTMENT OF
 COMMERCE**

represented by **Matthew Evan Kahn**
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-6718
 Email: matthew.kahn@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|---|
| 10/22/2018 | <u>1</u> | COMPLAINT against UNITED STATES DEPARTMENT OF COMMERCE (Filing fee \$ 400, receipt number 4616095260) filed by DAVID H. BESSON. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Civil Cover Sheet)(jf) (Entered: 11/05/2018) |
| 10/22/2018 | | SUMMONS Not Issued as to UNITED STATES DEPARTMENT OF COMMERCE (jf) (Entered: 11/05/2018) |
| 10/22/2018 | <u>2</u> | MOTION to Compel by DAVID H. BESSON (jf) (Entered: 11/05/2018) |
| 10/22/2018 | <u>3</u> | MOTION for CM/ECF Password by DAVID H. BESSON (jf) (Entered: 11/05/2018) |
| 11/05/2018 | | MINUTE ORDER granting <u>3</u> Motion for CM/ECF User Name and Password. Pro se Plaintiff may obtain a CM/ECF user name and password from the Clerk. Signed by Judge Amit P. Mehta on 11/05/2018. (lcapm1) (Entered: 11/05/2018) |
| 11/05/2018 | | MINUTE ORDER denying <u>2</u> Plaintiff's Motion to Compel Preparation of a Vaughn Index as premature. Plaintiff may renew the Motion, if appropriate, at a later time. Signed by Judge Amit P. Mehta on 11/05/2018. (lcapm1) (Entered: 11/05/2018) |
| 11/08/2018 | <u>4</u> | AMENDED COMPLAINT against UNITED STATES DEPARTMENT OF COMMERCE filed by DAVID H. BESSON. (Attachments: # <u>1</u> Exhibit 26OCT18 DOC letter denying FOIA appeal)(BESSION, DAVID) (Entered: 11/08/2018) |
| 11/09/2018 | | SUMMONS (3) Issued as to UNITED STATES DEPARTMENT OF COMMERCE, U.S. Attorney and U.S. Attorney General (zmd) (Entered: 11/09/2018) |
| 11/27/2018 | <u>5</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General |

| | | |
|------------|-----------|---|
| | | 11/23/2018. (BESSON, DAVID) (Entered: 11/27/2018) |
| 11/30/2018 | <u>6</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 11/23/2018. Answer due for ALL FEDERAL DEFENDANTS by 12/23/2018. (BESSON, DAVID) (Entered: 11/30/2018) |
| 11/30/2018 | <u>7</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF COMMERCE served on 11/23/2018 (BESSON, DAVID) (Entered: 11/30/2018) |
| 12/21/2018 | <u>8</u> | NOTICE of Appearance by Matthew Evan Kahn on behalf of UNITED STATES DEPARTMENT OF COMMERCE (Kahn, Matthew) (Entered: 12/21/2018) |
| 12/21/2018 | <u>9</u> | ANSWER to <u>4</u> Amended Complaint by UNITED STATES DEPARTMENT OF COMMERCE.(Kahn, Matthew) (Entered: 12/21/2018) |
| 12/21/2018 | <u>10</u> | ORDER. Both a Complaint and an Answer are now before the court in this FOIA case. It is hereby ordered that the parties shall meet and confer and file a Joint Status Report on or before January 4, 2019. The Joint Status Report shall include (1) the status of Plaintiffs FOIA request; (2) the anticipated number of documents responsive to Plaintiffs FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiff; (4) whether a motion for stay is likely under <i>Open America v. Watergate Special Prosecution Force</i> , 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Please see the attached Order for details. Signed by Judge Amit P. Mehta on 12/21/2018. (lcapm2) (Entered: 12/21/2018) |
| 12/21/2018 | | Set/Reset Deadlines: Joint Status Report due by 1/4/2019. (zjd) (Entered: 12/21/2018) |
| 01/02/2019 | <u>11</u> | Consent MOTION to Stay by UNITED STATES DEPARTMENT OF COMMERCE (Kahn, Matthew). Added MOTION for Extension of Time on 1/4/2019 (znmw). (Entered: 01/02/2019) |
| 01/03/2019 | <u>12</u> | Second MOTION for Vaughn Index by DAVID H. BESSON (Attachments: # <u>1</u> Exhibit NASCTN GPS Project Final Briefing, # <u>2</u> Exhibit June 2017 Briefing to PNT Advisory Board, # <u>3</u> Exhibit NASCTN Report 1 Impact of LTE on GPS (Introduction and Parts 1–2), # <u>4</u> Exhibit Measurement Data Request Form, # <u>5</u> Exhibit Revised Test Plan, # <u>6</u> Exhibit Draft Test Plan, # <u>7</u> Exhibit Adjudicated Comments)(BESSON, DAVID) (Entered: 01/03/2019) |
| 01/07/2019 | | MINUTE ORDER granting <u>11</u> Defendant's Consent Motion for a Stay of Proceedings. This matter is hereby stayed. Within three business days of Department of Justice operations resuming, Defendant shall notify the court by when the parties will file their Joint Status Report. Signed by Judge Amit P. Mehta on 01/07/2019. (lcapm1) (Entered: 01/07/2019) |
| 01/30/2019 | <u>13</u> | Joint STATUS REPORT <i>and Proposed Briefing Schedule</i> by UNITED STATES DEPARTMENT OF COMMERCE. (Kahn, Matthew) (Entered: 01/30/2019) |
| 01/30/2019 | | MINUTE ORDER setting the following schedule for further proceedings in this matter: Plaintiff's Motion for Summary Judgement shall be due by February 8, 2019; Defendant's Opposition and Cross Motion for Summary Judgement shall be due by March 1, 2019; Plaintiff's Reply and Opposition shall be due by March 15, 2019; and Defendant's Reply shall be due March 29, 2019. Signed by Judge Amit P. Mehta on 01/30/2019. (lcapm1) (Entered: 01/30/2019) |
| 01/30/2019 | | Set/Reset Deadlines: Plaintiff's Motion for Summary Judgment due by 2/8/2019. Defendant's Opposition and Cross Motion due by 3/1/2019. Plaintiff's Reply and Opposition due by 3/15/2019. Defendant's Reply due by 3/29/2019. (zjd) (Entered: 02/05/2019) |
| 02/07/2019 | <u>14</u> | MOTION for Summary Judgment by DAVID H. BESSON (BESSON, DAVID) (Entered: 02/07/2019) |
| 02/08/2019 | <u>15</u> | STRICKEN PURSUANT TO MINUTE ORDER FILED 2/12/2019.....ORDER advising Plaintiff to respond by March 1, 2019, to Defendant United States Department of Commerce's <u>14</u> Motion for Summary Judgment or risk summary |

| | | |
|------------|-----------|--|
| | | judgment in Defendant's favor. See the attached Order for additional details. Signed by Judge Amit P. Mehta on 02/08/2019. (lcapm1) Modified on 2/12/2019 (zjd). (Entered: 02/08/2019) |
| 02/12/2019 | | MINUTE ORDER directing the clerk to strike and the parties to disregard the February 8, 2019 Order, ECF No. 15, as entered in error. Signed by Judge Amit P. Mehta on 02/12/2019. (lcapm1) (Entered: 02/12/2019) |
| 03/01/2019 | <u>16</u> | Memorandum in opposition to re <u>14</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF COMMERCE. (Attachments: # <u>1</u> Table of Contents, # <u>2</u> Table of Authorities, # <u>3</u> Memorandum in Support, # <u>4</u> Statement of Facts, # <u>5</u> Declaration, # <u>6</u> Exhibit A1, # <u>7</u> Exhibit A2, # <u>8</u> Exhibit A3, # <u>9</u> Exhibit A4, # <u>10</u> Exhibit A5, # <u>11</u> Exhibit A6, # <u>12</u> Text of Proposed Order, # <u>13</u> Certificate of Service)(Kahn, Matthew) (Entered: 03/01/2019) |
| 03/01/2019 | 17 | Cross MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF COMMERCE. (See Docket Entry <u>16</u> to view document) (jf) (Entered: 03/04/2019) |
| 03/04/2019 | | NOTICE OF ERROR re <u>16</u> Memorandum in Opposition; emailed to matthew.kahn@usdoj.gov, cc'd 1 associated attorneys -- The PDF file you docketed contained errors: 1. Two-part docket entry, 2. DO NOT REFILE - Counsel is reminded to docket all parts of their pleading(s) (zjf,) (Entered: 03/04/2019) |
| 03/04/2019 | <u>18</u> | NOTICE of Pending Supreme Court Case by UNITED STATES DEPARTMENT OF COMMERCE re 17 MOTION for Summary Judgment, <u>16</u> Memorandum in Opposition, (Attachments: # <u>1</u> Certificate of Service)(Kahn, Matthew) (Entered: 03/04/2019) |
| 03/05/2019 | <u>19</u> | ERRATA by UNITED STATES DEPARTMENT OF COMMERCE <u>18</u> Notice (Other) filed by UNITED STATES DEPARTMENT OF COMMERCE. (Attachments: # <u>1</u> Brief, # <u>2</u> Certificate of Service)(Kahn, Matthew) (Entered: 03/05/2019) |
| 03/06/2019 | <u>20</u> | ORDER advising Plaintiff to respond by March 15, 2019, to Defendant United States Department of Commerce's 17 Cross-Motion for Summary Judgment or risk summary judgment in Defendant's favor. See the attached Order for additional details. Signed by Judge Amit P. Mehta on 03/06/2019. (lcapm1) (Entered: 03/06/2019) |
| 03/06/2019 | | Set/Reset Deadlines: Plaintiff's Response due by 3/15/2019. (zjd) (Entered: 03/10/2019) |
| 03/15/2019 | <u>21</u> | Cross MOTION for Summary Judgment by DAVID H. BESSON (BESSON, DAVID) (Entered: 03/15/2019) |